



MAYOR AND COUNCIL AGENDA

NO. 12 DEPT.: Community Planning and Development Services DATE PREPARED: 2/25/05
STAFF CONTACT: Arthur D. Chambers, AICP, Director FOR MEETING OF: 3/7/05

SUBJECT: Approval of a contract for the construction of three public parking garages in the Town Square Project.

To: R.D. Rockville Garage LLC (RDRG)

| | | | |
|---------|-----------------------|---------------------|------------|
| Amount: | Blk 5 | \$ 8,884,250 | Final GMP |
| | Blk 1/2 | \$11,192,250 | Final GMP |
| | Blk 4 | <u>\$19,593,500</u> | Budget GMP |
| | Total Cost | \$39,670,000 | |
| | Managed Fee | \$ 1,554,000 | |
| | Reimbursables (Est.) | <u>\$ 26,000</u> | |
| | | \$ 1,580,000 | |
| | Total Contract Amount | \$41,250,000 | |

RECOMMENDATION: Approve the contract in the amount of \$41,250,000 (subject to form by the City Attorney); authorize the City Manager to issue notice to proceed on the garage in Blks 1/2 and 5; and authorize the City Manager to issue a notice to proceed on Block 4 after the GMP is prepared.

DISCUSSION: The item was last discussed with the Mayor and Council on January 18, 2005. At that meeting the final contract language had not been prepared. Additionally, there was no "guaranteed maximum price" for Blocks 1/2 or 4. The Mayor and Council authorized construction of a portion of the garages. That authorization was made part of the Public Improvement Contract. Now that GMP's are finalized for Block 5 and Block 1/2, full authorization can be granted for these garages. With the completion of the garage construction contract the garage work will be removed from the Public Improvements contract.

The proposed contract (attachment 1) will be with R.D. Rockville Garage, LLC and is a heavily modified AIA document, A191. It addresses scope of work, warranties, insurance, compensation payments, change orders, schedule reimbursables, etc. This contract is similar to the contract between the City and RD Rockville Garage LLC for design services and the contract between the City and Whiting-Turner for the Public Improvements.. Basically, RDRG will manage the construction of the garages for the City.

budgets, assessments, obtaining insurance, etc. for maintenance, repairs, replacements, etc. The assessments will be made on all units including the garage.

Due to the complexity of the physical structure and to insure future use, access, maintenance, etc., the legal documents are quite extensive. The documents establish the rules and regulations that will govern future relationships of the co-owners.

The four primary documents are:

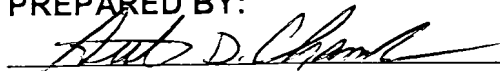
- a) Declarations – Submit the property to the Maryland Condominium Act and divide the property into units and common elements (Attachment 3, circle 20).
- b) Bylaws – Addresses the operation of the condominium by the council of owners (Attachment 4, circle 67).
- c) Rules and Regulations – Establishes the standards and regulations for use, maintenance, hours of operation, etc. (Attachment 5, circle 98).
- d) Plats – The drawings depicting units, elements, easements, etc. (Attachment 2, circle 18).

To date, documents for Block 1/2, Block 3b and Block 5 have been drafted. For this discussion, only the documents for Block 5 are attached. All of the other blocks are modeled on Block 5. The City will not be a unit owner in Block 3b. FRIT and the City also will need to eventually prepare condominium documents for the cultural arts building. Attachment 1 is a summary of the text documents. Attachment 2 is a copy of a portion of the condominium plats. The latest draft of the Block 5 Declarations, Bylaws and Rules and Regulations are included.

A related document is the easement plat. That document will also need to be approved by the City. Basically, the easement plat will grant to the public access and use rights along the sidewalks and access drives. It also will establish utility areas and identify outdoor seating areas.

All of the condominium documents, except the cultural arts building, need to be completed and approved by the Mayor and Council prior to closing on the development rights in March. It is anticipated that the final documents will be scheduled for formal action by the Mayor and Council in late February. A copy of a closing checklist is attached for information.

PREPARED BY:


Arthur D. Chambers, AICP, Director

APPROVE:


Scott Ullery, City Manager

1/26/05
Date

LIST OF ATTACHMENTS:

1. Summary of text documents.
2. Copy of a portion of the condominium plats.
3. Declarations for Block 5.
4. Bylaws for Block 5.
5. Rules and Regulations for Block 5.
6. Closing checklist.